

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-39 are presently active in this case. Claims 1-34 are amended, and Claims 35-39 are added by the present amendment. Support for the amendments may be found at least at page 8, line 23-page 9, line 11 of the specification and Fig. 2. No new matter has been added.

In the outstanding Office Action, the title was objected to as not descriptive. The specification and Claim 4 were objected to due to minor informalities. Claims 1-2, 5, 6, 11, 12, 20, 22-24, 32, and 34 were rejected under 35 U.S.C. § 102(b) as anticipated by Mochimaru, et al. (U.S. Publication No. 2002/0051646, herein “Mochimaru”). Claims 3, 4, 19, and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mochimaru in view of Kawagoe, et al. (U.S. Patent No. 6,212,351, herein “Kawagoe”). Claims 21 and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mochimaru in view of Yamada (U.S. Patent No. 6,351,619). Claims 7-10, 13-18, and 25-30 were objected to as dependent upon a rejected base claim but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to the objection to the title of the invention, the title is amended to be more clearly indicative of the claimed invention. Accordingly, Applicant respectfully requests withdrawal of the objection.

In regard to the objection to the specification, the specification is amended as suggested in the outstanding Office Action. Accordingly, Applicant respectfully requests that the objection be withdrawn.

In regard to the objection to Claim 4, Claim 4 is amended as suggested in the outstanding Office Action. Accordingly, Applicant respectfully requests that the objection be

withdrawn.

In regard to the rejection of Claims 1-2, 5, 6, 11, 12, 20, 22-24, 32, and 34 under 35 U.S.C. § 102(b) as anticipated by Mochimaru, Applicant respectfully traverses the rejection for the following reasons.

Claim 1, as amended, recites a fixing device comprising, *inter alia*, a press-fixing unit comprising a first press roller configured to press a second image transfer body against means for heating and a second press roller configured to press the second image transfer body against the means for heating. The outstanding Office Action asserts that the first roller of Mochimaru reads on the above-mentioned press-fixing device of the present invention.¹ Applicant respectfully disagrees.

The outstanding Office Action asserts that, In Mochimaru, “[t]he first roller consists of two divided rollers (117 and 130) facing the fixing roller . . .”² However, in Mochimaru, “[t]he intermediate transfer member 110 is spanned around rollers 113, 115, 116, and 117 such that it rotates in a counterclockwise as illustrated by an arrow in FIG. 12.”³ In other words, in Mochimaru, roller 117 simply is one of the rollers around which the intermediate transfer member spins; roller 117 does not press a second image transfer body against means for heating. Nowhere does Mochimaru disclose or suggest at least a press-fixing unit comprising a first press roller configured to press a second image transfer body against means for heating and a second press roller configured to press the second image transfer body against the means for heating, as recited in Claim 1, as amended.

Accordingly, Applicant respectfully submits that the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn. Independent Claims 5, 11, and 23, although of different statutory class or of different scope, include recitations similar to those in Claim 1 discussed

¹ See Office Action of August 26, 2004, page 4.

above. Claims 2, 6, 12, 20, 22, 24, 32, and 34 depend on Claims 1, 5, 11, or 23. For at least the reasons given above with respect to Claim 1, Applicant respectfully requests that the rejection of Claims 2, 5, 6, 11, 12, 20, 22-24, 32, and 34 under 35 U.S.C. § 102(b) be withdrawn as well.

In regard to the rejection of Claims 3, 4, 19, and 31 under 35 U.S.C. § 103(a) as unpatentable over Mochimaru in view of Kawagoe, Applicant respectfully traverses the rejection for the following reasons.

Claims 3, 4, 19, and 31 depend on Claims 1, 11, or 23. As discussed above with respect to Claims 1, 11, and 23, Mochimaru does not teach or suggest each and every element recited in Claims 1, 11, and 23, as amended. For example, Mochimaru does not teach or suggest at least a press-fixing unit comprising a first press roller configured to press a second image transfer body against means for heating and a second press roller configured to press the second image transfer body against the means for heating, as recited in amended Claim 1 and as similarly recited in amended Claims 11 and 23. Kawagoe does not cure the deficiencies of Mochimaru in this regard.

In view of the failure of Mochimaru and Kawagoe to teach or suggest all features of Claims 1, 11, or 23, Applicant respectfully submits that Mochimaru in view of Kawagoe does not render Claims 1, 11, or 23 obvious under 35 U.S.C. § 103(a). Since Claims 3, 4, 19, and 31 depend on Claims 1, 11, or 23, Applicant respectfully requests that the rejection of Claims 3, 4, 19, and 31 under 35 U.S.C. § 103(a) be withdrawn.

In regard to the rejection of Claims 21 and 33 under 35 U.S.C. § 103(a) as unpatentable over Mochimaru in view of Yamada, Applicant respectfully traverses the rejection for the following reasons.

Claims 21 and 33 depend on Claims 11 or 23. As discussed above with respect to

² See Office Action of August 26, 2004, page 4.

Claims 11 and 23, Mochimaru does not teach or suggest each and every element recited in Claims 11 and 23, as amended. For example, Mochimaru does not teach or suggest at least a press-fixing unit comprising a first press roller configured to press a second image transfer body against means for heating and a second press roller configured to press the second image transfer body against the means for heating, as recited in Claims 11 and 23, as amended. Yamada does not cure the deficiencies of Mochimaru in this regard.

In view of the failure of Mochimaru and Yamada to teach or suggest all features of Claims 11 and 23, Applicant respectfully submits that Mochimaru in view of Yamada does not render Claims 11 or 23 obvious under 35 U.S.C. § 103(a). Since Claims 21 and 33 depend on Claims 11 or 23, Applicant respectfully requests that the rejection of Claims 21 and 33 under 35 U.S.C. § 103(a) be withdrawn.

Claims 7-10, 13-18, and 25-30 depend from Claims 5, 11, or 23. For at least the reasons given above with respect to Claims 5, 11, and 23, Applicant respectfully submits that Claims 7-10, 13-18, and 25-30 are in condition for allowance. Accordingly, Applicant respectfully requests that the objection to Claims 7-10, 13-18, and 25-30 be withdrawn.

New independent Claim 35 recites a fixing device comprising, *inter alia*, a rotary heating member forming a nip for fixation in contact with a conveying belt. In Fig. 12 of Mochimaru,

[t]he fixing device 30 is provided at a position opposed to the heating roller 130 that is disposed within the run of the intermediate transfer member 110. The fixing device 30 is configured such that the fixing roller 19 is brought into contact with the intermediate transfer member 110 by a contact/separation mechanism (not shown) as in the fixing device 30 described referring to FIG. 1. In FIG. 12, the fixing roller 19 is brought into contact with the intermediate transfer member 110.⁴

In other words, in Fig. 12 of Mochimaru, heating roller 130 does not form a nip for

³ Paragraph [0124], lines 2-5 of Mochimaru. (emphasis added.)

fixation in contact with a conveying belt. Accordingly, Applicant submits that new Claim 35 is allowable. New independent Claim 38 recites substantially similar limitations to those discussed above with respect to Claim 35. New dependent Claims 36, 37, and 39 depend from Claim 35 or 38. Accordingly, Applicant respectfully submits that Claims 36-38 are allowable at least for the reasons given above with respect to Claim 35 in addition to the novel and non-obvious features recited therein.

In view of the foregoing remarks, Applicant respectfully submits that each and every one of Claims 1-39 defines patentable subject matter, and that the application is in condition for allowance. Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Surinder Sachar
Registration No. 34,423

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
CP:aif

I:\ATTY\CP\239873US\239873US-AM.DOC

⁴ Paragraph [0127], lines 1-9 of Mochimaru. (emphasis added.)